

Approved: Meeting No. 10-14

Attest:

Bridget Donnell Newton
Douglas A. Barber

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
February 10, 2014
Meeting No. 05-14
7:00 p.m.

Executive Session Summary for February 3, 2014

Executive Session pursuant to the State Government Article of the Annotated Code of Maryland, Section 10-508(a)(7) to consult with counsel to obtain legal advice regarding the City's Memorandum of Understanding with Rockville Economic Development, Inc.

The Mayor and Council met in Executive Session on Monday, February 3, 2014, at 8:36 p.m. in the Blue Crab Conference Room, City Hall, 111 Maryland Avenue, Rockville, Maryland.

Councilmember Moore made the motion to convene in Executive Session. The motion was seconded by Councilmember Feinberg and passed unanimously.

Present: Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Tom Moore, Councilmember Virginia Onley, and Councilmember Julie Palakovich Carr. Also present were City Manager Barbara Matthews, Assistant City Manager Jenny Kimball, City Attorney Debra Daniel, and City Clerk/Treasurer Doug Barber.

The topic of discussion was the City's Memorandum of Understanding with Rockville Economic Development, Inc. (REDI).

The Mayor and Council adjourned the Executive Session at 9:21 p.m.

Mayor and Council Meeting – February 10, 2014

Present:

Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Tom Moore, Councilmember Virginia Onley, and Councilmember Julie Palakovich Carr.

Staff Present:

City Manager Barbara Matthews, City Clerk/Treasurer Doug Barber, and City Attorney Debra Daniel.

1. Convene

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday, February 10, 2014, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

3. Agenda Review

City Clerk Barber noted that minor revisions were made to Agenda Item #12 (Introduction of an Ordinance to Approve Zoning Text Amendment TXT2014-00236, Making Certain Technical and Clarifying Revisions to the Zoning Ordinance -Chapter 25). City Manager Matthews stated that clarifying questions she posed during the editing process of the item were removed. The revised version of Agenda Item # 12 cover sheet was provided to the Mayor and Council at the dais.

4. City Manager's Report

City Manager Matthews reported on the following:

- The City of Rockville Police Department was recognized at the 34th Annual Governor's Crime Prevention Awards for its comprehensive law enforcement crime prevention program and for their outstanding proactive crime prevention program (the Rockville Citizen Police Academy).
- The Rockville City Police Department Headquarters was recognized by the Maryland Historical Trust with a 2014 Maryland Preservation Award. Mayor Newton accepted the award during a ceremony held on Tuesday, February 4, 2014, in Annapolis, Maryland.
- The Rockville Planning Commission's review of the proposed new building for the Children's Resource Center at the Broome School site has been rescheduled. The new meeting date will be either Wednesday, February 26, 2014, or Wednesday, March 12, 2014. For more information on the project, go to www.montgomerycountymd.gov and search for "Children's Resource Center."
- The City's Community Services Division and the Montgomery County Department of Health and Human Services' Community Action Agency are partnering to offer free income tax preparation for low-to moderate-income residents through the Volunteer Income Tax Assistance Program. Assistance will be available from 3:00 p.m. until 9:00 p.m. each Wednesday through April 9, 2014. Services will be provided at 20 Courthouse Square, Suite #205.

5. Appointments/Reappointments and Announcements of Vacancies

Mayor Newton announced that there are vacancies on the following Boards and/or Commissions: Cultural Arts Commission, Historic District Commission, Recreation and Parks Advisory Board, Recreation and Parks Foundation, Inc., Retirement Board, Rockville Housing Enterprises, Senior Citizens Commission, Traffic and Transportation Commission, Environment Commission, Human Rights Commission, Landlord Tenant Affairs Commission, Rockville Sister City Corporation, Human Services Advisory Commission, Personnel Appeals Board, Rockville Economic Development, Inc.(REDI), and the Ethics Commission.

6. Community Forum (formerly known as Citizen's Forum)

<i>Citizen</i>	<i>Issue</i>
Mary Caroline Coletti	Possibility of the City of Rockville acquiring vacant parcel at 50 Monroe Street
Jan Seilhamer, President Fraternal Order of Police (FOP) Lodge #117	Step Increases
Bob Dorsey	Montgomery Avenue Women's Center
Javier Baquero Fraternal Order of Police (FOP) Lodge # 117	Step Increases
Mark Pierzchala	King Farm Farmstead
Theresa Defino	Art at the Rockville Police Department

7. Mayor and Council's Response to Community Forum and Announcements

Councilmember Feinberg addressed Mr. Dorsey's comments regarding the City of Rockville's support for County funding for the Montgomery Avenue Women's Center.

Councilmember Moore thanked everyone for attending the meeting. Councilmember Moore noted that, if the Mayor and Council would like to reconsider the motion made at the last meeting regarding the art proposal at the Rockville Police Department Headquarters, a motion to reconsider was allowable at this meeting.

Mayor Newton thanked everyone for attending the meeting. Mayor Newton also thanked Mary Caroline Coletti for her comments regarding the possibility of the City acquiring the vacant parcel at 50 Monroe Street and Theresa Defino for her comments related to the proposed art for the Rockville Police Department Headquarters.

8. Mayor and Council Reports

Councilmember Palakovich Carr noted her attendance at meetings of the Rockville Bicycle Advisory Commission and the Rockville Environment Commission, as she is the Council Liaison for both of the Commissions. Councilmember Palakovich Carr advised that the Environment Commission is currently accepting applications for the City's Environmental Awards.

Councilmember Feinberg noted that she attended her first Rockville Business Academy sponsored by the Neighborhood Resource Division with the collaboration of Rockville Economic Development Inc. (REDI) and the Rockville Chamber of Commerce. She stated it was an excellent event. Councilmember Feinberg closed by noting her scheduled attendance at the Human Services Commission meeting scheduled for Tuesday, February 11, 2014, as she is the Council Liaison for the Commission.

Mayor Newton advised that she had testified on behalf of the City of Rockville on Wednesday, February 5, 2014 at the Montgomery Board of Education. Mayor Newton noted that the 2014 Legislative Session in Annapolis has starting and is ongoing, with weekly trips to Annapolis to monitor the Bills that affect the City of Rockville. Mayor Newton shared that she participated alongside former Congresswoman Connie Morella, State Senator Jennie Forehand, former Mayor Phyllis Marcuccio in a forum held at Ingleside at King Farm to discuss the role of women in the world and in politics. Mayor Newton also noted her attendance at the Maryland Municipal Leagues Mayor's Association Annual Conference. She stated that the conference was full of energy and that she looked forward to working with other Mayors from around the State.

9. Consent Agenda – Approval Minutes

The following minutes were presented for approval:

Meeting No. 35-13 (December 9, 2013)
Meeting No. 36-13 (December 16, 2013)

Note for the Record: Councilmember Feinberg requested that the following be included in the minutes of December 9, 2013, and December 16, 2013 regarding the Property Disposition Proposal for 175 Watts Branch Parkway Agenda items at each meeting: Councilmember Feinberg shared that while she is employed by the County Department charged with administering the Property Disposition Law, she is at arms length from any internal discussions and recommendations to the County Executive and therefore concluded that there is no conflict of interest and that she may participate in discussions and votes regarding 175 Watts Parkway.

Motion: to approve minutes of the Meeting No. 35-13 (December 9, 2013 and Meeting No. 36-13 (December 16, 2013) as amended.

Moved by Councilmember Moore, seconded by Councilmember Councilmember Onley, and passed unanimously.

10. Discussion and Instructions – FY 2015 Budget Preview

City Manager Barbara Matthews provided a brief introduction to the Mayor and Council on the FY 2015 Budget Preview. She noted that this is the second preview of the FY 2015 Budget with the first preview being given in December 2013. City Manager Matthews noted that she along with the budget staff spent many hours during the month of January reviewing the budget requests of the various City department's for FY 2015. Ms. Matthews advised the Mayor and Council that what is being presented this evening reflects their identified priorities and will serve as a foundation for the proposed FY 2015 budget that will be presented to the Mayor and Council in mid-March 2014. City Manager Matthews noted that this is the Mayor and Council's budget and requested their feedback and direction on the proposed budget priorities. Ms. Matthews also stated that the Mayor and Council will have many opportunities during the Budget process for discussion and deliberation at the scheduled budget worksessions after the

initial budget presentation has taken place. The proposed budget presented in March can be modified at any time during the review process by the Mayor and Council.

Stacy Webster, Budget and Finance Manager provided the Mayor and Council with updated information in the following areas: Operating and CIP Updates, Mayor and Council Survey Results; Mayor and Council Requests for Information; and any Outstanding items:

Operating Updates - Revenue

- Property Tax Revenue estimates are projected to increase by 2 percent, or \$640,000, based on the actual property tax valuation report.
- User Fees and Charges – There are no recommended changes for Police, Public Works, or Community Planning and Development Services. Recreation and Parks will recommend that some fees be updated with the goal of improving cost recovery while still maintaining competitiveness with the market.
- Highway User Revenue – The current information being provided by the State of Maryland indicates that the City could receive a one-time payment of \$1.1 million in addition to the annual revenue projected to be of \$506,000.

Operating Updates – Expenditures

Ms. Webster highlighted several major changes being proposed in FY 2015 on the expenditure side of the budget to address the City's facility needs, infrastructure improvements and employee compensation. She also highlighted proposed consultant studies. The following were new operating budget items noted by Ms. Webster in her remarks:

- One-Time, Performance Based Employee Compensation (\$500,000, with \$100,000 coming from the General Fund)
- ADA Assessment Study (\$75,000)
- Cost Allocation Plan Study (\$50,000)
- Bus Rapid Transit Study – Phase II (\$100,000)
- Security System Replacement (\$153,000)
- Additional Tree Pruning (\$80,000)
- Civic Center Park Clean-Up (\$85,000 with \$35,000 from the General Fund)
- Beall-Dawson House Repointing (\$92,000)
- Swim and Fitness Center Repairs (\$15,000)
- Painting at City Facilities (\$32,000)

Ms. Webster also noted the proposed funding for the Maryland Women's Business Center (\$10,000) and the Rockville Rewards Program (\$20,000)

Ms. Webster noted that there are several significant changes being proposed in the FY 2015 Budget for CIP projects. Ms. Webster reviewed each of the following with the Mayor and Council:

- Athletic Court Repair/Replacement
- West End Park Noise Barrier
- Bridge Rehabilitation

- Water Main Rehabilitation
- Horizon Hill Park Improvements (New – Cost to be determined)
- Lotus Notes Migration (New)
- I-Net Infrastructure Upgrade (New)
- City Hall Window Replacement (New)

Ms. Webster then reviewed the results of the Mayor and Council FY 2015 Budget Survey, noting that the survey focused on the main policy areas of the City. The Mayor and Council each provided their surveys to the City Manager, with the results being used to help build the recommended budget. Ms. Webster noted that there were two items that did not have majority support but that did not necessarily mean there was not general support for the item:

- Assume Fees and Charges – The following recommendation was noted as follows: Fees and Charges on discretionary programs will be adjusted in accordance with achieving cost recovery goals.
- Issue New General Debt – The following recommendation was noted as follows: The City Manager is recommending new debt for bridge rehabilitation in FY 2015 and FY 2019, and for the increase in the West End Park Noise Barrier in FY 2017.

Outstanding Items - There are two significant items that will require direction from the Mayor and Council: 175 Watts Branch Parkway and the future of the King Farm Farmstead.

The Mayor and Council had a broad and general discussion relating to the FY 2015 Budget preview. The Mayor and Council requested clarification on the following topics: Employee Compensation (one-time compensation), the BRT Study (Phase II), Cost Allocation Study, City's Tree Pruning Program, Beall Dawson House Improvements, IT Infrastructure Improvements. The responsible City Staff member provided responses and clarification to the Mayor and Council's questions on each of the items.

Councilmember Moore express interest in expanding child care resources.

Mayor Newton inquired about the projected cost for step pay increases, wanting to ensure that the City honored its obligations to employees. Ms. Webster noted that the requested information was included in the agenda materials. Councilmember Moore stated that he would appreciate more detailed information about the step pay issue. City Manager Matthews clarified that a pay scale did not create a contractual obligation on the part of the City. She noted that employee wage adjustments were a labor negotiation/employee relations matter that should be discussed in closed session.

11. Introduction and Adoption of an Ordinance to Amend Ordinance #16-13 to Appropriate Funds and Levy Taxes for Fiscal year 2014 (Budget Amendment No. 2)

Stacy Webster, Budget and Finance Manager provided the staff report on the agenda item. Ms. Webster noted that the proposed adjustments were minor and administrative in nature.

Motion: to Introduce an Ordinance to amend Ordinance # 16-13 to appropriate funds and levy taxes for Fiscal Year 2014 (Budget Amendment No. 2).

Moved by Councilmember Feinberg

Motion: to waive the layover period.

Moved by Councilmember Moore and seconded by Councilmember Palakovich Carr, and passed unanimously.

Motion: to adopt an Ordinance to amend Ordinance # 16-13 to appropriate funds and levy taxes for Fiscal Year 2014 (Budget Amendment No. 2)

Moved by Councilmember Moore and seconded by Councilmember Feinberg, and passed unanimously.

12. Introduction of an Ordinance to Approve Zoning Text Amendment TXT2014-00236, Making Certain Technical and Clarifying Revisions to the Zoning Ordinance (Chapter 25); Maryland and Council of Rockville, Applicant

Deane Mellander, Zoning Administrator provided the staff report on the Agenda Item. Mr. Mellander advised that the proposed ordinance before the Mayor and Council incorporates the language concerning emergency generators as directed by the Mayor and Council on January 27, 2014. The following are included in the proposed ordinance:

- Reference to the County's Noise Ordinance
- Allow the units (emergency generators) in the side or rear yard but do not allow any encroachment into the side yard setback
- In the case of a corner lot, require the units to be in the yard facing the street that is not deemed the front of the house by street number and allow the units to encroach up to five feet into that setback area
- Provide for periodic generator test cycles to be run only during weekday daylight hours

The Mayor and Council discussed the proposed ordinance at length. Mr. Mellander responded to question of clarifications posed by the Mayor and Council on the issue.

Mayor Newton addressed her concern with the periodic generator test cycles to be run only during weekday daylight hours; however, the proposed ordinance states that the allowable time from 7:00 a.m. until 9:00 p.m. She asked her colleagues if the allowable time should be from 7:00 a.m. until 7:00 p.m.

Mayor Newton expressed her concerns with some of the proposed language in the ordinance and expressed support for holding another public hearing on the Chapter 25 (Zoning Ordinance). Mayor Newton noted that the focus of the Mayor and Council to date has been on the emergency generators and the parking issues addressed in the proposed Zoning Text Amendment. She stated that the Mayor and Council should take a closer look at the other provisions before adopting the proposed ordinance. Councilmember Moore supported Mayor Newton's request for another Public Hearing.

Motion: to re-open the public record and schedule a Public Hearing on Zoning Text Amendment TXT2014-00236, Making Certain Technical and Clarifying Revisions to the Zoning Ordinance (Chapter 25); Mayor and Council of Rockville, Applicant.

Moved by Councilmember Moore seconded by Councilmember Onley, and passed unanimously.

Note for the Record: The Mayor and Council took at break at 8:56 p.m. and returned to the meeting at 9:03 p.m.

13. Introduction and Adoption of an Ordinance for Zoning Text Amendment TXT2014-00237, to Add a Separate Parking Standard for a Self-Storage Warehouse Facility; Siena Properties, Applicant

Deane Mellander, Zoning Administrator, provided the staff report on the agenda item. The Mayor and Council discussed the proposed ordinance with Mr. Mellander regarding the proposed number of required spaces (Article 16, Section 25.16.03) for a Self-Storage Warehouse Facility.

Motion: to amend Zoning Text Amendment TXT2014-00237 to require 1 parking space per 2 employees rather than 1 parking space per 1 employee

Moved by Councilmember Moore, seconded by Councilmember Palakovich Carr, and failed with Councilmember Moore and Councilmember Palakovich Carr voting in favor of and Mayor Newton, Councilmember Feinberg, and Councilmember Onley voting against.

Motion: to Introduce Zoning Text Amendment TXT2014-00237, to add a separate parking standard for a self-storage warehouse facility; Siena Properties, Applicant.

Moved by Councilmember Onley

Motion: to waive the layover period.

Moved by Councilmember Feinberg, seconded by Councilmember Palakovich Carr, and passed unanimously.

Motion: to adopt Zoning Text Amendment TXT2014-00237, to add a separate parking standard for a self-storage warehouse facility; Siena Properties, Applicant.

Moved by Councilmember Feinberg, seconded by Councilmember Onley, and passed unanimously.

14. King Farm Farmstead Overview

Christine Henry, Acting Director of Recreation and Parks, provided the Mayor and Council with the history of the King Farm Farmstead property. Acting Director Henry noted that the King Farm Farmstead Park was conveyed to the City in the late 1990s by King Farm Associates, L.L.C. through a Deed and Declaration of Covenants. The City has explored future uses of the property to keep the buildings that remain on the property from being vacant and continuing to deteriorate. Acting Director Henry provided the Mayor and Council with a detailed overview of

all the actions taken by the City with regards to the property since it was conveyed to them, noting the following:

- In 2002, a King Farm Farmstead Park Taskforce was created by the Mayor and Council. The Taskforce report was provided to the Mayor and Council in January 2003. At that time, funds were not available in the City's Capital Improvement Program (CIP) for a construction project to support the re-use recommendations, and the Taskforce recommendations were not implemented.
- In 2010, a nationally advertised Request for Information was issued for organizations to propose future uses and/or partnerships for use of the buildings and/or the Park.
- In 2011, the City received proposals from three not-for-profit organizations. The proposals were presented to the Mayor and Council, and no direction was given to staff on how they would like to proceed.
- On October 14, 2013, the Mayor and Council directed staff to present a framework for establishing another taskforce to examine potential future use of the Farmstead property.

Acting Director Henry provided information to the Mayor and Council on the current uses at the property. Some of the buildings are being used while others have been vacant for a significant period of time. Ms. Henry advised the Mayor and Council that the City staff monitors the property and the building and conducts some maintenance. Ms. Henry noted that the current occupants of the buildings are as follows:

- Bikes for the World occupies the Hay Barn and Tenant House.
- Maryland Central Model Railroad Club, Inc. occupies the garage but is in the process of vacating the space.
- The City converted the hay drying shed to a picnic shelter, which is rented to the public.
- King Farm residents manage a community garden on the property.

Acting Director Henry stated that the Family Academy of Bethesda has proposed to make improvements to the structure referred to as the King Farm House and to pay rent in return for a long-term lease for its use as an educational and childcare facility.

Acting Director Henry provided information on the current condition of the property. Ms. Henry advised the Mayor and Council that the draft FY 2015 CIP Budget includes unfunded projects to repair the structures at the Farmstead. The unfunded CIP project totals \$335,400. She stated that this amount would provide for basic repairs to keep the buildings in a manageable condition but would not prepare the structures for occupancy. She stated that a comprehensive assessment conducted by a structural engineer would be necessary to identify what additional work might be needed to prepare the structures for occupancy.

Ms. Henry closed her report by noting the limited availability of electric, water and sewer utilities. She stated that there are only three structures on the property that have a working electrical system (main house, the smallest tenant house, and the wooden barn). A 2011 analysis

concluded that it would cost approximately \$781,000 to provide electric service to the remaining structures, including two large dairy barns, hay barn and small tenant house, large tenant house, garage and picnic shelter. Ms. Henry emphasized that the cost estimate assumes underground electric service for a public or commercial facility. In terms of water and sewer services, only the garage and tenant house are served. In 2010, the City examined the design of a water and sewer system for the property; the cost estimate for constructing the system was \$452,000.

Councilmember Moore thanked Acting Director Henry for her staff report on the Farmstead.

Both Councilmember Feinberg and Councilmember Palakovich Carr expressed their support for the proposed facility assessment of the property. The assessment will provide the Mayor and Council with a full picture to make future decisions about the Farmstead.

Mayor Newton stated her support for the facility study, expressing a desire to get the study underway as soon as possible. City Manager Matthews informed the Mayor and Council that she will explore this idea and report back to the Mayor and Council.

Acting Director of Recreation and Parks Henry received consensus from the Mayor and Council to have the staff move forward with the comprehensive structural assessment. Staff will also schedule a tour of the Farmstead for the Mayor and Council.

15. Review and Comment Regarding Mayor and Council Action Report

Councilmember Moore asked the staff for confirmation that the discussion on the Great Falls and Maryland Avenue interchanges was still scheduled for February 24, 2014.

16. Review and Comment Regarding Future Agendas

Mayor Newton requested that the following topic be added a future meeting agenda: the development of a policy to determine what galas/dinners the Mayor and Council would attend.

Councilmember Feinberg would like to see the City look into and possibly have a presentation on: Minority Female Disabled Programs and Local Small Business Programs. Councilmember Palakovich Carr stated her support for these topics as well.

Mayor Newton stated she would like for the Mayor and Council to have a future discussion on undersized lots and their associated impacts.

17. Old/New Business

City Attorney Daniel addressed the Mayor and Council regarding the proposed amendments to the Memorandum of Understanding (MOU) with Rockville Economic Development, Incorporated (REDI). City Attorney Daniel presented the proposed amendments to the Memorandum of Understanding MOU with REDI.

Motion: to direct the City Manager to enter into an amendment to the Memorandum of Understanding with Rockville Economic Redevelopment Incorporated (REDI) in accordance with the proposed amendments.

Moved by Councilmember Moore seconded by Councilmember Feinberg, and passed unanimously.

18. Adjournment

There being no further business, the meeting adjourned at 9:53 p.m.

Motion: to adjourn.

Moved by Councilmember Palakovich Carr, seconded by Councilmember Moore, and passed unanimously.